



CITY of SWAN

MINUTES

ORDINARY MEETING OF COUNCIL

04 MAY 2022

CONFIRMED MINUTES

These minutes were confirmed as a true and accurate record of the meeting at the Ordinary Meeting of Council held on 1 June 2022.

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MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD AT MIDLAND TOWN HALL
ON WEDNESDAY 4 MAY 2022 COMMENCING AT 6PM

PART A - OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed those present and opened the meeting at 6.00pm.

Acknowledgement of Country

The City of Swan acknowledges the Traditional Custodians of this region, the Whadjuk people of the Noongar Nation and their continuing connection to the land, waters and community. We pay our respects to Elders past and present, and their descendants.

2. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)

The City of Swan disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence, or the like is considered or determined during this meeting the City warns that neither the applicant nor any other person or body should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it or the refusal of the application has been issued by the City.

Please note that this meeting is live streamed. The recording will also be archived and made available on Council's website after the meeting.

If you choose to participate in the meeting during public question time, public statement time or deputations (where applicable) it is assumed your consent is given for the audio to be recorded. Please keep your comments respectful to the Council and other members of the community.

Visual images of the public will not be captured.

Conditions of Entry: No electronic, visual or audio recording or transmitting device or instrument is permitted to be used by any member of the public. A person who breaches this provision of the *City of Swan Meeting Procedures Local Law 2019* will be required to immediately leave the premises.

3. ATTENDANCE AND APOLOGIES

Councillors:	Cr D Lucas	Mayor, Altone Ward (Presiding Member)
	Cr S Howlett	Midland/Guildford Ward
	Cr I Johnson	Midland/Guildford Ward
	Cr A Bowman	Pearce Ward
	Cr C McCullough	Pearce Ward
	Cr R Henderson	Swan Valley/Gidgegannup Ward
	Cr C Zannino	Swan Valley/Gidgegannup Ward
	Cr D Knight	Whiteman Ward
	Cr B Parry	Whiteman Ward

Councillors: (electronic)	Cr M Congerton	Deputy Mayor, Whiteman Ward (until 8.02pm)
	Cr J Catalano	Altone Ward
	Cr R Predovnik	Midland/Guildford Ward
	Cr P Jones	Pearce Ward (until 8.02pm)

Approved by the Mayor in accordance with regulation 14C of the Local Government (Administration) Regulations 1996.

Staff:	Mr M Bishop	A/Chief Executive Officer
	Mr S Jakowyna	A/Executive Manager Operations
	Mrs K Leahy	Executive Manager Corporate
	Ms M Pickering	Executive Manager Place Stakeholder Engagement
	Ms D Cuming	Governance Officer (Minute Clerk)
	Ms T Reilly	EA Executive Manager Community Wellbeing (Assistant Minute Clerk)

Staff: (electronic)	Mr L van der Linde	Executive Manager Planning & Development
	Mr P Russell	Manager Statutory Planning

Leave of Absence:	Cr A Kiely	Altone Ward
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Apoloiges:	Cr T Richardson	Pearce Ward
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Approved by Council (see below) to attend by electronic means in accordance with regulation 14C of the Local Government (Administration) Regulations 1996. However, Cr Richardson was not present for the meeting.

Members of the Public:	6 (approximately)
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Media:	1
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RESOLVED UNANIMOUSLY to:

- 1) Approve Cr Richardson to attend the meeting electronically.

(Cr Parry – Cr Johnson)

4. DECLARATIONS OF FINANCIAL AND PROXIMITY INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

Cr Congerton declared an impartiality interest in Item 3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR) as he is a Member of the Swan Community Care Advisory Committee.

Cr Jones declared an impartiality interest in Item 3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR) as she is a Member of the Swan Community Care Advisory Committee.

Cr Howlett declared an impartiality interest in Item 3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR) as she is a Deputy Member of the Swan Community Care Advisory Committee.

Cr Howlett declared an impartiality interest in Item 4.1 - Consideration of Submissions - Amendment No.193 to Local Planning Scheme No.17 - To Update the Aircraft Noise Special Control Area Mapping (LPS17-193) as she lives under the flight path.

Cr Johnson declared an impartiality interest in Item 4.1 - Consideration of Submissions - Amendment No.193 to Local Planning Scheme No.17 - To Update the Aircraft Noise Special Control Area Mapping (LPS17-193) as he lives under the flight path.

5. PUBLIC QUESTION TIME

Public question time commenced at 6.07pm.

5.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Mr Mark Church

Q1 The original 'guard house 'at The Vines has for many years now been missing the original welcome signage. The Vines Residents Association would like to ask council if they would consider reinstating the original signage which consisted of an oval shaped sign and logo. The cost is estimated to be minimal i.e. \$400 – \$500 range.

A1 Staff have contacted The Vines Residents Association and asked them to complete a "Request for Alterations and Additions" form which is the City's standard process for such requests. The form contains information to enable the exact scope, size, location and cost to be clearly defined and agreed. When this information has been received the request will be considered by the City.

5.2 QUESTIONS RELATING TO REPORTS CONTAINED IN THE AGENDA

5.2.1 Questions of which due notice has been given

Nil

5.2.2 Questions without due notice

Mr Craig Straiton

Q1 The Officer Comment says the access track was constructed to allow access to lots fronting Campersic Road. Why is No.74, Lot 90 Boulonnais Drive using the track for access as they are not on Campersic Road? Therefore creating excess traffic?

A1 The Deed of Grant of Easement allows for 74 Boulonnais Drive to pass and repass through the easement/track at all times.

Q2 The Officer Comment also says to allow access to lots fronting Campersic Road which have steep drops onto the Campersic Road frontage. Does this mean those without steep drops should have their own driveway onto Campersic Road?

A2 The Deed of Grant of Easement allows for the mentioned Campersic properties to pass and repass through the easement at all times. As a result, these properties can have their access driveway to the easement and are not required to have a sole driveway on to Campersic Road.

- Q3 *What is considered too steep for a driveway?*
- A3 The City has standard drawings for the construction of driveways which are available on the City's website. The maximum gradient recommended is 25%.
- Q4 *Do you realise that part of the easement is as steep as the steep lots affected on Campersic Road, also that there are much steeper driveways elsewhere on Brigadoon?*
- A4 City staff have undertaken site inspections of the track and confirm that there are steep sections throughout the track.
- Q5 *The easement (track) originally provided 13 lots with access, even though they are not land-locked. 9 (nine) of these now have their own access onto a gazetted road. This leaves only four (4) lots without access onto a gazetted road, one of which is currently vacant land. The easement travels over six (6) privately owned properties just to serve these remaining few. If you are considering spending \$15,000 annually (if this figure is still correct as it was estimated in 2011) would it be more beneficial and a cheaper option to provide the remaining few with crossovers & assist them in creating driveways of their own? Beneficial, meaning for everyone involved in this re-occurring problem, including the City of Swan.*
- A5 Without surveying each lot and conducting individual designs it is difficult to estimate the actual cost to construct the individual driveways. However, based on the distance to the lot boundaries and steep gradients, it is anticipated that this would have a substantial cost. If the driveways were constructed, the Deed of Grant of Easement would still exist, which will allow owners to utilise the Boulonnais track.

5.3 OTHER QUESTIONS

5.3.1 Questions of which due notice has been given

Ms Ann Winchester, Upper Swan District Ratepayers and Residents Association Inc.

- Q1 *What is the City of Swan doing about the dust/dirt/sand problem in Upper Swan, specifically blowing from extraction sites and the Clementine Estate development?*
- A1 In regards to Apple Street City officers have not observed dust blowing from this site at any time of driving past (est. once weekly). The only operation was for the two week period during December 2021 and January 2022 – since then no activity has been observed. City officers have, however, observed significant dust blowing from the adjacent Main Roads roadworks which were substantial.

In regards to the Clementine Estate the City is not aware of any current complaints of dust with either the City or with the contractor or developer.

It should be noted that the subdivision is a going concern and will be for some years potentially and as such from time to time will have instances where dust is generated. The City continues to engage with the contractor and developer to have strategies in place to minimise that as much as reasonably possible.

A summary of the general controls on site to manage the improvement is as below:

- The contractor has three watercarts on site controlling dust and has had so for several months.
- A City officer is on site every other day and has not had any cause for concern from dust on this site for quite some time now. The contractor has a street sweeper which attends site twice weekly to clean the various roads and paths.
- The Contractor also has management plans in place and in particular the dust management plan which is well communicated and understood by all site personnel.
- There is a new Project Manager and Supervisor on this site now with a strong focus on customer service and resident management. They are well versed in the history of the site and understand the strong desire to keep dust to an absolute minimum.
- All of the operators on site know not to create dust wherever possible and if so to ensure they have a watercart in attendance. They know to stop work if dust is a factor and it's blowing towards residential areas.
- The contractor has a system in place to monitor the wind forecast to ensure suitable controls, including not working during excessively high winds, are in place.
- The contractor has soil stabilising agents on site at all times which can quickly be deployed to stabilise soils if high winds are expected.
- There are dust monitors on site.
- The developer has brought forward earthworks to "winter proof" exposed clay areas within future subdivision stages by covering them with sand, which also lessens dust in high winds and associated with machinery movements.
- The contractor is installing crushed limestone access tracks over previously used clay tracks to reduce the amount of dust in the dry and mud in the wet times from the clay tracks.
- The Developer meets regularly with key members of the Association to listen to and do his best to resolve concerns. The Developer has said to date that he has not denied a request for improvement from the Association.

5.3.2 Questions without due notice

Nil

Public question time concluded at 6.09pm as there were no further questions.

6. PUBLIC STATEMENT TIME

6.1 Ms Christine Hughes in regard to the draft Conservation Policy for Guildford.

6.2 Mr John Gangell in regard to Item 4.3 - Change of Use from Showroom to Gym and Tavern - Lot 201 (No.226) Great Eastern Highway and Lot 11 (No.16A) Lloyd Street, Midland (DA1087-21).

7. PETITIONS

Nil

8. DEPUTATIONS

Deputations for items on the agenda were heard at the Agenda Forum held on 27 April 2022.

9. ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

Nil

10. MEMBERS' QUESTIONS

10.1 ANSWERS TO QUESTIONS WHICH WERE TAKEN ON NOTICE

Nil

10.2 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Cr Johnson

Q1 Can you advise if cars parking under the sugar gums trees in Stirling Square are impacting the health of the trees?

A1 Parking under sugar gums can have a negative impact on the health of the trees.

Q2 What is the condition of the sugar gums in Stirling Square?

A2 The condition of the sugar gums in Stirling Square is assessed on a regular basis and any remedial maintenance action is taken as required. The condition of individual trees varies.

Q3 Why do the signs on the roads around Stirling Square not prevent parking on the verge of Stirling Square?

A4 These are only advisory signs, not regulatory signs.

Q4 Would it be possible to make Stirling Square (except for the Church acre) a no parking and no car zone?

A4 Yes although it may not be practical as sometimes vehicles need to access the area such as City staff undertaking maintenance.

Q5 When will the bollards be installed?

A5 Funding is included on the City's Long Term Financial Plan for 2023/24 financial year for this work.

Q6 Can the bollards be moved forward to the 2022/23 financial year?

A6 The work could physically be done in 2022/23 although there are no funds on the draft budget for this work.

10.3 QUESTIONS OF WHICH NOTICE HAS NOT BEEN GIVEN

Nil

11. LEAVE OF ABSENCE

RESOLVED (11/2) that the following Councillor be granted leave of absence for the period requested:

Cr Kiely
Midland/Guildford Ward 4 May 2022 to 1 August 2022 (inclusive)

(Cr Parry – Cr Zannino)

For: Crs Congerton, Henderson, Howlett, Jones, Johnson, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Bowman and Catalano

12. CONFIRMATION OF MINUTES

RESOLVED UNANIMOUSLY that the Minutes of the Ordinary Meeting of Council held on 6 April 2022 be confirmed.

(Cr Bowman - Cr Parry)

RESOLVED UNANIMOUSLY TO:

Replace the resolution included in the minutes of the Ordinary Meeting of Council held on 15 December 2021 for Item 5.4 – Midland Mens Shed – Work Shed as follows:

RESOLVED (9/5) TO:

- ~~1) To support the Midland Mens Shed workshop extension on the condition that no trees are removed.~~
- ~~2) Record the reasons for changing the Officer Recommendation as:
 - ~~1. There appears to be adequate cleared space on site.~~
 - ~~2. Alternative design and location options have not been presented to Council.~~
 - ~~3. Mature trees provide ecological value through the bio habitat they provide and the 22kg of carbon they absorb annually, and this cannot be mitigated through the planting of replacement young trees.~~~~

RESOLVED (9/5) TO:

- 1) Proceed with the proposed Midland Men's Shed extension requiring the removal of one tree, with one Eucalyptus rudis (Flooded Gum) tree to be planted on the lot in its place, subject to Aboriginal Heritage approval.
- 2) Advise submitters accordingly.

The alternate motion lost and the Officer recommendation was carried. The wrong information was carried forward from the motions to the resolution. This error was identified during a recent review of the item.

(Cr Parry – Cr McCullough)

13. ANY BUSINESS LEFT OVER FROM PREVIOUS MEETING

13.1 POTENTIAL ASSET DISPOSAL - LOTS 11 AND 12 (NOS.37-39) OLD GREAT NORTHERN HIGHWAY, MIDLAND (BANKWEST BUILDING)

This matter was deferred at the Ordinary Council Meeting held on 3 June 2020 until such time as City staff have concluded ongoing negotiations with a prospective tenant.

13.2 ADOPTION OF MORRISON ROAD LOCAL DEVELOPMENT PLAN

This matter was deferred at the Ordinary Council Meeting held on 23 September 2020 until such time as the City has conducted a heritage assessment of properties as previously agreed.

The outcome of the consultation on the final heritage classification assessment is currently being advertised. The Morrison Road Local Development Plan will be presented to Council upon completion of the advertising process.

13.3 POLICY REVIEW - PROVISION OF PUBLIC ART

This matter was deferred at the Ordinary Council Meeting held on 7 July 2021 item to investigate opportunities for improvement of the Policy.

13.4 GUILDFORD PARKING - CHANGES TO TIME RESTRICTIONS

This matter was deferred at the Ordinary Council Meeting held on 25 August 2021 to allow time for staff to present Council with options to address community concerns raised in consultation, at a future Council Briefing Session.

A briefing session will be held in due course.

13.5 POLICY - DEBT COLLECTION RATES AND SERVICES CHARGES

This matter was deferred at the Ordinary Council Meeting held on 17 November 2021 for further discussion and investigation about initiatives to help vulnerable ratepayers.

13.6 ASSET MANAGEMENT STRATEGY

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the draft Asset Management Strategy.
- 2) Approve the draft to be made available for public comment.

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry - Cr McCullough)

RESOLVED UNANIMOUSLY TO:

- 1) Endorse the draft Asset Management Strategy.
- 2) Approve the draft to be made available for public comment.

PART B - REPORTS

1. ADOPTION OF THOSE RECOMMENDATIONS CONTAINED IN ITEMS NOT WITHDRAWN

RESOLVED UNANIMOUSLY that the reports of Council in Part B and Part C of the Agenda not withdrawn be received and the recommendations therein adopted:

Part B

2.1 - Policy Review - Stakeholder and Community Engagement

2.2 - Policy Review - Leasing and Licencing of Community Facilities

3.1 - Development of an ePetitions Page on the City of Swan Website

3.2 - Enforcement of ACROD Parking on Private Land

3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR)

4.4 - Proposal to Use a Portion of the Existing Shed for Coffee Roasting (Food and Beverage Production) - Lot 17 (No.703) Gngangara Road, Lexia (DA1000-21)

4.9 - Statutory Planning Decisions under Delegated Authority - 18 March 2022 to 13 April 2022

6.1 - List of Accounts Paid - March 2022

6.2 - Financial Management Report for Period Ended 31 March 2022

6.4 - Change in Basis of Valuation

6.5 - Establishment of Two (2) New Reserves - Public Open Space Reserve - Swan View and Public Open Space Reserve - Middle Swan

7.1 - Annual Meeting of Electors Motion 6 - Urban Development and Application of Policies

7.2 - Annual Meeting of Electors Motion 11 - Marketing Officer to Promote Indigenous and Non-Indigenous Heritage

7.3 - Annual Meeting of Electors Motion 16 - Midland Central Park

7.4 - Annual Meeting of Electors Motion 17 - Devon Street, Woodbridge

7.5 - Annual Meeting of Electors Motion 22 - Rainbow Park, Bennett Springs

Part C

C3.1 - Property Divestment - Lot 332 Victoria Road, West Swan

(Cr Parry - Cr Johnson)

RESOLVED UNANIMOUSLY TO:

1) Amend the order of business to:

- 4.1 - Consideration of Submissions - Amendment No.193 to Local Planning Scheme No.17 - To Update the Aircraft Noise Special Control Area Mapping (LPS17-193)
- 4.2 - Proposed Amendment No.1 to the Henley Brook Local Structure Plan to Generally Add an Additional Public Primary School and Amend POS 10 - Multiple Properties in Henley Brook (SWAN-SP-2019-4-A)
- 4.3 - Responsible Authority Report - Change of Use from Showroom to Gym and Tavern - Lot 201 (No.226) Great Eastern Highway and Lot 11 (No.16A) Lloyd Street, Midland (DA1087-21)
- 4.5 - Unauthorised Patio, Transportable Structure and Home Business - Lot 222 (No.39) Huntsman Terrace, Jane Brook (DA171-22)
- 4.6 - Single House and Animal Establishment (Dog Kennel) - Lot 1 (No.102) Old West Road, Bullsbrook (DA1109-21)
- 4.7 - Removal of the Lawn and Concrete the Lawn Area for Vehicle Parking - Lot 186 (No.176) Camboon Road, Malaga (DA445-21)
- 4.8 - Proposed Outbuilding within the Asset Protection Zone - Variation to the Provision of the Local Development Plan - Lot 6756 (No.29) Starke Turn, Ellenbrook (DA577-21)
- C3.2 - Property Acquisition - Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland
- C3.3 - Workplace Culture Review (Councillors)
- 3.3 - Homelessness in the City of Swan - Update
- 5.1 - Construction of a Workshop at the Midland Men's Shed (RFT22JS12)
- 6.3 - Budget Adjustments 2021-2022 - May 2022
- 6.6 - Proposed 2022/23 Differential Rates and Specified Area Rates
- 7.6 - Annual Meeting of Electors Motion 23 - Water Fountains, Bennett Springs

(Cr Congerton – Cr Bowman)

SUSPENSION OF MEETING PROCEDURES LOCAL LAW 2019

RESOLVED (12/1) TO:

- 1) In accordance with Part 11 of the *Meeting Procedures Local Law 2019*, suspend clause 6.6 'Duration of Speeches' for the duration of the Ordinary Council Meeting of 4 May 2022 including any adjourned and reconvened meeting.
- 2) Note that where a provision of the local law has been suspended, the Presiding Member is to decide questions relating to the conduct of the meeting.

The reasons for the motion are:

1. To allow the Presiding Member the discretion, for the duration of the Ordinary Council Meeting of 4 May 2022, to determine the length of speeches during debate.
2. The Council needs to take reasonable steps to ensure that it completes the business on the May 2022 agenda.
3. Suspension of this clause of the *Meeting Procedures Local Law 2019* will allow the Presiding Member the discretion to limit the length of speeches during debate as he considers appropriate.

(Cr Parry – Cr Bowman)

For: Crs Bowman, Catalano, Congerton, Henderson, Howlett, Jones, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Cr Johnson

2. CORPORATE PLANNING AND POLICY

2.1 POLICY REVIEW - STAKEHOLDER AND COMMUNITY ENGAGEMENT

Ward: (All Wards) (Community Engagement)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Engagement)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt revised policy POL-C-153 Stakeholder and Community Engagement.

CARRIED EN BLOC

2.2 POLICY REVIEW - LEASING AND LICENCING OF COMMUNITY FACILITIES

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Adopt policy POL-C-139 Leasing of and Licencing of Community Facilities.

CARRIED EN BLOC

3. COMMUNITY PLANNING AND DEVELOPMENT

3.1 DEVELOPMENT OF AN EPETITIONS PAGE ON THE CITY OF SWAN WEBSITE

Ward: (All Wards) (Marketing and Public Relations)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Engagement)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse a fully automated workflow ePetition solution to be built as part of the City's new website project in 2022.

CARRIED EN BLOC

3.2 ENFORCEMENT OF ACROD PARKING ON PRIVATE LAND

Ward: (All Wards) (Community Safety)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the implementation of the proposed Private ACROD Parking Enforcement Agreement, effective from July 1, 2022.
- 2) Support a targeted marketing campaign to local private car park owners around the availability of the City's ACROD only enforcement option for private car parks.
- 3) Support the implementation of a marketing plan to promote both the 'This Bay is Someone's Day' campaign, alongside broader awareness of the fines and penalties for misuse of ACROD bays and ACROD permit eligibility.

CARRIED EN BLOC

3.4 PROVISION OF HOME SUPPORT SERVICES FOR THE FRAIL, AGED AND YOUNG PEOPLE WITH DISABILITIES (RFT22GH13-SOR)

Ward: (All Wards) (Community and Place)

Disclosure of Interest: Nil

Authorised Officer: Executive Manager Community Wellbeing

Cr Congerton declared an impartiality interest in Item 3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR) as he is a Member of the Swan Community Care Advisory Committee.

Cr Jones declared an impartiality interest in Item 3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR) as she is a Member of the Swan Community Care Advisory Committee.

Cr Howlett declared an impartiality interest in Item 3.4 - Provision of Home Support Services for the Frail, Aged and Young People with Disabilities (RFT22GH13-SOR) as she is a Deputy Member of the Swan Community Care Advisory Committee.

An attachment to this report is **CONFIDENTIAL** as it includes information regarding a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed would reveal a trade secret or contains information about or of value to a person. Should Council seek to discuss the confidential information during the Council meeting, Council should resolve to move behind closed doors.

RECOMMENDATION

That the Council resolve to:

- 1) Select Chanticleer Holdings Pty Ltd as the preferred tenderer.
- 2) Allow the option to extend the contract.
- 3) Upon award of the contract, advise all tenderer's and update the City's public tender register in accordance with Local Government (Functions and General) Regulations 1996 (WA).

CARRIED EN BLOC

4. STATUTORY PLANNING

4.1 CONSIDERATION OF SUBMISSIONS - AMENDMENT NO.193 TO LOCAL PLANNING SCHEME NO.17 - TO UPDATE THE AIRCRAFT NOISE SPECIAL CONTROL AREA MAPPING (LPS17-193)

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

Cr Howlett declared an impartiality interest in Item 4.1 - Consideration of Submissions - Amendment No.193 to Local Planning Scheme No.17 - To Update the Aircraft Noise Special Control Area Mapping (LPS17-193) as she lives under the flight path.

Cr Johnson declared an impartiality interest in Item 4.1 - Consideration of Submissions - Amendment No.193 to Local Planning Scheme No.17 - To Update the Aircraft Noise Special Control Area Mapping (LPS17-193) as he lives under the flight path.

RECOMMENDATION

That the Council resolve to:

- 1) Note the submissions received on Proposed Amendment No.193 to Local Planning Scheme No.17.
- 2) Support Amendment No.193 to Local Planning Scheme No.17 for final approval without modifications.
- 3) Forward the Amendment documentation and Schedule of Submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant final approval to the Amendment and its gazettal.
- 4) Following the final determination and gazettal of Amendment No.193 the City shall write to those property owners whose property has been removed from the noise exposure forecast area and advise that they may apply to Landgate to have any aircraft noise notification removed from their land title.
- 5) Advise those that lodged a submission of Council's decision accordingly.

MOTION that the Council resolve to:

- 1) Note the submissions received on Proposed Amendment No.193 to Local Planning Scheme No.17.
- 2) Not support Amendment No.193 to Local Planning Scheme No.17 for final approval.
- 3) The CEO to advise the Western Australian Planning Committee and the Hon Minister for Planning that Council does not support final approval of the Amendment and its gazettal.
- 4) Advise those who have lodged a submission of Council's decision accordingly.
- 5) Record the reason for changing the Officer Recommendation is that too many City of Swan residents and ratepayers are now adversely affected by noise pollution at all hours of the day and night.

(Cr Catalano – Cr Howlett)

MOTION WAS PUT TO THE VOTE AND LOST (3/10)

For: Crs Catalano, Howlett and Knight

Against: Crs Bowman, Congerton, Henderson, Johnson, Jones, Lucas, McCullough, Parry, Predovnik and Zannino

MOTION that the Council resolve to adopt the officer recommendation.

(Cr Bowman - Cr McCullough)

RESOLVED (10/3) TO:

- 1) Note the submissions received on Proposed Amendment No.193 to Local Planning Scheme No.17.
- 2) Support Amendment No.193 to Local Planning Scheme No.17 for final approval without modifications.
- 3) Forward the Amendment documentation and Schedule of Submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant final approval to the Amendment and its gazettal.
- 4) Following the final determination and gazettal of Amendment No.193 the City shall write to those property owners whose property has been removed from the noise exposure forecast area and advise that they may apply to Landgate to have any aircraft noise notification removed from their land title.
- 5) Advise those that lodged a submission of Council's decision accordingly.

For: Crs Bowman, Congerton, Henderson, Johnson, Jones, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Catalano, Howlett and Knight

4.2 PROPOSED AMENDMENT NO.1 TO THE HENLEY BROOK LOCAL STRUCTURE PLAN TO GENERALLY ADD AN ADDITIONAL PUBLIC PRIMARY SCHOOL AND AMEND POS 10 - MULTIPLE PROPERTIES IN HENLEY BROOK (SWAN-SP-2019-4-A)

Ward: (Whiteman Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Advise the Department of Education and the Western Australian Planning Commission that the City's acceptance of Public Open Space 10 (POS 10) is subject to the following conditions:
 - a. The Development Application for the school addresses the entire site, inclusive of Public Open Space 10 (POS 10);
 - b. The Department of Education construct Public Open Space 10 to the satisfaction of the City of Swan; and
 - c. The Department of Education fully fund the embellishment of the oval and associated amenities that make it an active playing space, i.e. those embellishments beyond what is ordinarily provided in a local park.
- 2) Provided 1) is accepted, recommend to the Western Australian Planning Commission to approve proposed Amendment No.1 to the Henley Brook Local Structure Plan, inclusive of the updated Local Water Management Strategy Addendum and Concept Plan, subject to the following modifications:
 - a. Modify the Structure Plan Map (Plan 1) and Public Open Space & Schools (Plan 2) in Part One – Implementation of the Henley Brook Local Structure Plan report as follows:
 - i. Decrease the area of the north-eastern primary school from 4ha to 3.5ha as per decisions made for approved Subdivision WAPC Ref. 161294; and
 - ii. Rezone that portion of Lot 9010 Park Street, Henley Brook (0.0377ha area east of the school) from 'Residential R30-R60' to 'Public Purposes - Primary School'.

- b. Modify the Executive Summary Part One – Implementation of the Henley Brook Local Structure Plan to:
 - i. Amend the 'Public Purposes - Primary School' area entry to read "~~8.0050~~ 11.20803 ha"
 - ii. Amend the "Total Estimated Lot Yield" entry to read "~~3,500~~ 3,432 (3,260 if the Park Home Park Additional Use area is subtracted from this figure)"
 - c. Amend the Executive Summary Part Two – Explanatory Section and Figure No.6 - Proposed Development Contribution Items of the Henley Brook Local Structure Plan as necessary to be consistent with the modifications listed above.
 - d. Amend the POS Schedule (Appendix No.5) appended to the Henley Brook Local Structure Plan as necessary to be consistent with the modifications listed above.
- 3) Forward the full Structure Plan Amendment proposal and the recommended modifications to the Western Australian Planning Commission for their determination.
 - 4) Notify the applicant, affected landowners and submitter's of Council's decision.

MOTION that the Council resolve to:

- 1) Adopt the Officer Recommendation subject to the following amendment:

Insert Part 2) a) iii as follows:

Notwithstanding 1) above recommend to the Western Australian Planning Commission that it decreases the area of Public Open Space No.7 by deleting the approximately 2200m² of POS designated over the north-east corner of 122 Brooklands Drive.
- 2) Record the reason for changing the staff recommendation is to acknowledge the submission of the owners of 122 Brooklands Drive that the area of proposed Public Open Space designated across their property is too close to their existing house and will have an unreasonable adverse impact on the amenity of their property.
- 3) Advise the Department of Education that it should closely consider the need for a safe pedestrian crossing of Park Street as part of any future development application for a school in this location.

(Cr Congerton – Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) Advise the Department of Education and the Western Australian Planning Commission that the City's acceptance of Public Open Space 10 (POS 10) is subject to the following conditions:
 - a. The Development Application for the school addresses the entire site, inclusive of Public Open Space 10 (POS 10);
 - b. The Department of Education construct Public Open Space 10 to the satisfaction of the City of Swan; and
 - c. The Department of Education fully fund the embellishment of the oval and associated amenities that make it an active playing space, i.e. those embellishments beyond what is ordinarily provided in a local park.

- 2) Provided 1) is accepted, recommend to the Western Australian Planning Commission to approve proposed Amendment No.1 to the Henley Brook Local Structure Plan, inclusive of the updated Local Water Management Strategy Addendum and Concept Plan, subject to the following modifications:
 - a. Modify the Structure Plan Map (Plan 1) and Public Open Space & Schools (Plan 2) in Part One – Implementation of the Henley Brook Local Structure Plan report as follows:
 - i. Decrease the area of the north-eastern primary school from 4ha to 3.5ha as per decisions made for approved Subdivision WAPC Ref. 161294; and
 - ii. Rezone that portion of Lot 9010 Park Street, Henley Brook (0.0377ha area east of the school) from 'Residential R30-R60' to 'Public Purposes - Primary School'.
 - iii. Notwithstanding 1) above recommend to the Western Australian Planning Commission that it decreases the area of Public Open Space No.7 by deleting the approximately 2200m² of POS designated over the north-east corner of 122 Brooklands Drive.
 - b. Modify the Executive Summary Part One – Implementation of the Henley Brook Local Structure Plan to:
 - i. Amend the 'Public Purposes - Primary School' area entry to read "~~8.0058~~ 11.2083 ha"
 - ii. Amend the "Total Estimated Lot Yield" entry to read "~~3,500~~ 3,432 (3,260 if the Park Home Park Additional Use area is subtracted from this figure)"
 - c. Amend the Executive Summary Part Two – Explanatory Section and Figure No.6 - Proposed Development Contribution Items of the Henley Brook Local Structure Plan as necessary to be consistent with the modifications listed above.
 - d. Amend the POS Schedule (Appendix No.5) appended to the Henley Brook Local Structure Plan as necessary to be consistent with the modifications listed above.

- 3) Advise the Department of Education that it should closely consider the need for a safe pedestrian crossing of Park Street as part of any future development application for a school in this location.
- 4) Forward the full Structure Plan Amendment proposal and the recommended modifications to the Western Australian Planning Commission for their determination.
- 5) Notify the applicant, affected landowners and submitter's of Council's decision.
- 6) Record the reason for changing the staff recommendation is to acknowledge the submission of the owners of 122 Brooklands Drive that the area of proposed Public Open Space designated across their property is too close to their existing house and will have an unreasonable adverse impact on the amenity of their property.

4.3 RESPONSIBLE AUTHORITY REPORT - CHANGE OF USE FROM SHOWROOM TO GYM AND TAVERN - LOT 201 (NO.226) GREAT EASTERN HIGHWAY AND LOT 11 (NO.16A) LLOYD STREET, MIDLAND (DA1087-21)

Ward: (Midland/Guildford Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Endorse the Officer's Recommendation, to approve the application subject to conditions, to the Metro Outer Joint Development Assessment Panel.

MOTION that the Council resolve to:

- 1) Endorse the Officers Recommendation subject to:
 - a) The inclusion of the following additional condition:

“Prior to occupation of the tavern or gym, the applicant/owner is to install within the subject lot to the satisfaction of the City of Swan two trees to replace the two existing trees removed for the creation of the ACROD parking bay”; and
 - b) The modification of Condition 14 c) to read:

“Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas. The management plan shall also include details on securing the area at all times from public access. This may include but not be limited to the use of security gates, security patrols and security cameras to ensure minimal disturbance of adjoining landowners during evening and night time hours; and”
- 2) Instruct the Chief Executive Officer to:
 - a) Write to Main Roads WA (MRWA) to express concerns for safety at the intersection of Loton Road and Great Eastern Highway.
 - b) Request traffic safety measures be put in following MRWA's study into the configuration of Great Eastern Highway.
 - c) Continue to advocate for MRWA to address the issue as part of their ongoing traffic study, and for staff to update Council accordingly.

- 3) Record the reasons for changing the Officers Recommendation are:
1. Main Roads WA is currently in the process of commissioning a study into the ultimate configuration of Great Eastern Highway.
 2. Safety issues at the intersection of Loton Avenue and Great Eastern Highway identified by residents are pre-existing; predate this development application and the city can advocate for this issue to be addressed as part of that traffic study.
 3. Replacing trees that need to be removed helps retain Midland's tree canopy.
 4. Ensuring the ongoing security/management of the bin/loading areas so as to limit the impact on adjoining landowners.

(Cr Predovnik - Cr McCullough)

AMENDMENT TO THE MOTION

Reword Condition 17 to read:

"No signage for the tavern tenancy is to be abutting Great Eastern Highway."

(Cr Bowman – Cr Howlett)

THE AMENDMENT WAS PUT TO THE VOTE AND LOST (3/10)

For: Cr Bowman, Howlett and Lucas

Against: Cr Catalano, Congerton, Henderson, Jones, Johnson, Knight, McCullough, Parry, Predovnik and Zannino

RESOLVED (10/3) TO:

- 1) Recommend the Metro Outer Joint Development Assessment Panel approve the application, subject to the conditions within the Officer Recommendation, and:
 - a) The inclusion of the following additional condition:

“Prior to occupation of the tavern or gym, the applicant/owner is to install within the subject lot to the satisfaction of the City of Swan two trees to replace the two existing trees removed for the creation of the ACROD parking bay”; and
 - b) The modification of Condition 14 c) to read:

“Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas. The management plan shall also include details on securing the area at all times from public access. This may include but not be limited to the use of security gates, security patrols and security cameras to ensure minimal disturbance of adjoining landowners during evening and night time hours; and”
- 2) Instruct the Chief Executive Officer to:
 - a) Write to Main Roads WA (MRWA) to express concerns for safety at the intersection of Loton Road and Great Eastern Highway.
 - b) Request traffic safety measures be put in following MRWA’s study into the configuration of Great Eastern Highway.
 - c) Continue to advocate for MRWA to address the issue as part of their ongoing traffic study, and for staff to update council accordingly.
- 3) Record the reasons for changing the Officers Recommendation are:
 1. Main Roads WA is currently in the process of commissioning a study into the ultimate configuration of Great Eastern Highway.
 2. Safety issues at the intersection of Loton Ave and Great Eastern Highway identified by residents are pre-existing; predate this development application and the city can advocate for this issue to be addressed as part of that traffic study.
 3. Replacing trees that need to be removed helps retain Midland’s tree canopy.
 4. Ensuring the ongoing security/management of the bin/loading areas so as to limit the impact on adjoining landowners.

For: Cr Congerton, Henderson, Howlett, Jones, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Bowman, Catalano and Johnson

4.4 PROPOSAL TO USE A PORTION OF THE EXISTING SHED FOR COFFEE ROASTING (FOOD AND BEVERAGE PRODUCTION) - LOT 17 (NO.703) GNANGARA ROAD, LEXIA (DA1000-21)

Ward: (Whiteman Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Grant planning approval pursuant to the City of Swan Local Planning Scheme No.17 for a Change in Use from Rural Shed to Food and Beverage Production at Lot 17 (No.703) Gnangara Road, Lexia subject to the following conditions:
 1. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. The approved use of the Shed for coffee roasting (Food and Beverage Production) is limited to one (1) staff member only.
 3. Vehicle parking, access and circulation areas must be sealed, kerbed drained and maintained to the satisfaction of the City of Swan in accordance with the approved plan.
- 2) Forward the application to the Western Australian Planning Commission for determination pursuant to the Metropolitan Region Scheme.
- 3) Advise the owner/applicant and those who made a submission of the resolution of council.

CARRIED EN BLOC

4.5 UNAUTHORISED PATIO, TRANSPORTABLE STRUCTURE AND HOME BUSINESS - LOT 222 (NO.39) HUNTSMAN TERRACE, JANE BROOK (DA171-22)

Ward: (Midland/Guildford Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the Development Application for a Transportable Structure, Patio and Home Business at Lot 222 (No.39) Huntsman Terrace, Jane Brook subject to the following conditions:
 1. The approved Transportable Structure, Patio and Home Business is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 2. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
 3. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
 4. The Home Business subject of this approval (Hairdresser) is to be operated by Tanya Hall at Lot 222 (No.39) Huntsman Terrace, Jane Brook, who must remain a permanent resident on site at the subject premises, only. The operation of the Home Business by any other person, or its operation at any other premises is not permitted by this approval. This approval is specific to the applicant and cannot be transferred to any other person or to any other site.
 5. Only one (1) client is permitted to access the Home Business premises at any one time. The applicant must keep a record of clientele in the form of a diary available for viewing by the City of Swan.
 6. The Home Business is not permitted to employ any person who is not a resident of the property unless further approval is obtained from the City of Swan.
 7. The Home Business hereby permitted is restricted in its hours of operation to the following:
 - a) Tuesday 9.00am – 7.00pm; and
 - b) Thursday 9.00am – 7.00pm.
 8. No goods shall be displayed for sale or hire.

9. The Home Business hereby permitted must not occupy an area greater than 50m².
10. The parking of vehicles in association with the Home Business must be contained within the subject lot.
11. The Home Business activity must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, vibration, electrical interference, odour, fumes, smoke or other pollutant, vapour, steam, soot, ash, dust, waste water, water products, grit, oil or impact on public safety or otherwise.
12. The applicant must not erect or otherwise display on the Home Business premises any sign with an area exceeding 0.5m².

A sign erected under this condition must:

- a) Only describe the type of Home Business and provide the relevant contact details;
 - b) Be placed on a building, wall, fence or entry statement of the Home Business premises;
 - c) Not be illuminated nor use reflective or fluorescent materials; and
 - d) Comply with the City of Swan Consolidated Local Laws.
- 2) Advise the applicant /owner and any submitters of the Council's decision.

MOTION that the Council resolve to:

- 1) Defer consideration of the Development Application for a Transportable Structure, Patio and Home Business at Lot 222 (No.39) Huntsman Terrace, Jane Brook until the Ordinary Meeting of Council of 6 July 2022.
- 2) Record the reason for changing the Officer Recommendation is to enable Council to consider further issues raised by the neighbour.

(Cr Predovnik – Cr Howlett)

RESOLVED (12/1) TO:

- 1) Defer consideration of the Development Application for a Transportable Structure, Patio and Home Business at Lot 222 (No.39) Huntsman Terrace, Jane Brook until the Ordinary Meeting of Council of 6 July 2022.
- 2) Record the reason for changing the Officer Recommendation is to enable Council to consider further issues raised by the neighbour.

For: Crs Bowman, Catalano, Congerton, Henderson, Howlett, Jones, Knight, Lucas, McCullough, Predovnik, Parry and Zannino

Against: Crs Johnson

**4.6 SINGLE HOUSE AND ANIMAL ESTABLISHMENT (DOG KENNEL) - LOT 1
(NO.102) OLD WEST ROAD, BULLSBROOK (DA1109-21)**

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Not approve that part of the proposed development for the 'Single House' and 'Animal Establishment' (Dog Kennel) at Lot 1 (No.102) Old West Road, Bullsbrook that comprises the proposed 1.8m tall colourbond fence around the boundaries of the subject lot for the following reason:
 - a) The extent of the proposed solid fencing is not considered to be consistent with the rural character of the locality.
- 2) Approve all other parts of the development application for the 'Single House' and 'Animal Establishment' (Dog Kennel) at Lot 1 (No.102) Old West Road, Bullsbrook, subject to the following conditions:
 1. This approval is for a 'Single House' and 'Animal Establishment' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
 2. The 'Single House' and 'Animal Establishment' must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 3. No more than 50 dogs are permitted on the property at any one time.
 4. No more than three (3) dogs are permitted in any of the training fields at any one time.
 5. The kennel building is to be constructed so as to achieve the noise levels estimated to be received from noise generated by dogs inside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2021).
 6. All dogs on-site are to be kept in the kennel building and not allowed outside the kennel building and into the exercise areas or training fields before 7.00am Monday to Saturday or before 9.00am on Sundays and Public Holidays and after 10.00pm daily.

7. Prior to commencement of operation the applicant/owner is to install around the perimeter of each of the three (3) training areas a 1.8m tall colourbond fence so as to achieve the noise levels estimated to be received from noise generated by dogs outside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2021).
8. Prior to commencement of operation the applicant/owner is to install around the perimeter of the lot a fence of post and wire construction to a standard and height sufficient to detain any dog.
9. Prior to the commencement of operation the applicant/owner is to submit to the satisfaction of the City of Swan an Operational Management Plan that:
 - a) Details how the operation of the facility and the handling of dogs outside of the kennel building will achieve the noise levels estimated to be received from noise generated by dogs outside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2021); and
 - b) Provides for the collection, temporary storage and transport off site of all dog excrement.
10. The operation of the facility must be in accordance with the Approved Operational Management Plan.
11. Prior to occupation or use of the development, the vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
12. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
13. Vehicle parking areas, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
14. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
15. Prior to commencement of operation the facility is to have installed an on-site effluent disposal system approved by the Health Department of Western Australia.
16. The 'Single House' shall incorporate all relevant construction standards of Australian Standard 3959:2009 - Construction of Buildings in Bushfire Prone Areas applicable to a Bushfire Attack Level (BAL) rating of BAL-29 as specified in the Bushfire Management Plan prepared by Dwayne Griggs (dated 29 March, 2022, version 2.0). All requirements of the Bushfire Management Plan are to be implemented and thereafter maintained.

17. Prior to the occupation of the development, an Asset Protection Zone of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances must be established on the land surrounding the development in accordance with the submitted Bushfire Management Plan prepared by Dwayne Griggs (dated 29 March, 2022, version 2.0) and Element No.2 of the Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must thereafter be maintained on the land in accordance with the Bushfire Management Plan and the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the City of Swan for the life of the development.
18. Prior to the occupation of the development, the development must incorporate all of the requirements of the bushfire protection criteria in the Guidelines for Planning in Bushfire Prone Areas, including but not limited to:
 - a) The private (internal) driveway must be designed and constructed to meet all of the requirements in Element No.3, Table No.6, Column No.3 of the Guidelines, and must have an all-weather surface, and a turn-around area designed to accommodate a type 3.4 fire appliance located within 50m of the development;
 - b) Firebreaks are to be installed as prescribed in the City of Swan's Fire Hazard Reduction Notice or an alternative firebreak approved by the City of Swan; and
 - c) A dedicated static water supply that has the effective capacity of 10,000 litres must be installed on the lot and maintained for fire-fighting purposes at or above the designated capacity at all times.

The development must thereafter be maintained to this standard in perpetuity, to the satisfaction of the City of Swan.
19. The sheds must only be used for domestic and/or purposes associated with the approved use of the land, and not for human habitation.
20. Prior to the occupation of the 'Single House' a 120,000 litre rainwater tank or alternative portable water supply must be provided for the development to the satisfaction of the City of Swan.
21. The kennel building, sheds and solid fencing must be clad in a material, or painted in a colour of natural or earth tones to complement the surroundings and/or adjoining developments, in which it is located to the satisfaction of the City of Swan.
22. External lighting shall comply with the requirements of AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.
23. Prior to a building permit being issued, the applicant/owner is to submit to the satisfaction of the City of Swan a Landscaping Plan for the subject site that:
 - Provides for the retention of all marri and melaleuca trees on-site; and
 - Provides for retained scrub or new native planting around the outside of the fencing around the training fields.

24. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of the building. All landscaping is to be maintained onsite to the satisfaction of the City of Swan.
 25. The carrying on of the development must not cause dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City of Swan if it is considered that a dust nuisance exists.
 26. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
 27. All building works to be carried out on-site under this development approval are required to be contained within the boundaries of the subject lot.
 28. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 3) Advise the applicant of the resolution of Council accordingly.
 - 4) Advise all those who lodged a submission of Council's decision accordingly.

MOTION that the Council resolve to:

- 1) Approve the proposed Single House at Lot 1 (No.102) Old West Road, Bullsbrook subject to the following conditions:
 1. The crossover must be built and maintained in accordance with the City of Swan's specifications.
 2. The 'Single House' shall incorporate all relevant construction standards of Australian Standard 3959:2009 - Construction of Buildings in Bushfire Prone Areas applicable to a Bushfire Attack Level rating of BAL-29 as specified in the Bushfire Management Plan prepared by Dwayne Griggs (dated 29 March, 2022, version 2.0). All requirements of the Bushfire Management Plan are to be implemented and thereafter maintained.
 3. Prior to the occupation of the 'Single House', an Asset Protection Zone of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances must be established on the land surrounding the development in accordance with the submitted Bushfire Management Plan prepared by Dwayne Griggs (dated 29 March, 2022, version 2.0) and Element No.2 of the Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must thereafter be maintained on the land in accordance with the Bushfire Management Plan and the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the City of Swan for the life of the development.

4. Prior to the occupation of the 'Single House', the development must incorporate all of the requirements of the bushfire protection criteria in the Guidelines for Planning in Bushfire Prone Areas, including but not limited to:
 - a) The private (internal) driveway must be designed and constructed to meet all of the requirements in Element 3, Table 6, Column 3 of the Guidelines, and must have an all-weather surface, and a turn-around area designed to accommodate a type 3.4 fire appliance located within 50 metres of the development; and,
 - b) Firebreaks are to be installed as prescribed in the City of Swan's Fire Hazard Reduction Notice or an alternative firebreak approved by the City of Swan; and
 - c) A dedicated static water supply that has the effective capacity of 10,000 litres must be installed on the lot and maintained for fire-fighting purposes at or above the designated capacity at all times.

The development must thereafter be maintained to this standard in perpetuity, to the satisfaction of the City of Swan.
 5. Prior to the occupation of the 'Single House', a 120,000 litre rainwater tank or alternative portable water supply must be provided for the development to the satisfaction of the City of Swan.
 6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
 7. All building works to be carried out on-site under this development approval are required to be contained within the boundaries of the subject lot.
- 2) Refuse to approve the proposed 'Animal Establishment' (Dog Kennel) at Lot 1 (No.102) Old West Road, Bullsbrook for the following reasons:
1. The proposed development is considered to be contrary to the objectives of the "General Rural" zoning applicable to the land in that:
 - (i) The potential for noise from dogs on the premises is likely to have an adverse impact on the rural amenity of the immediate locality; and
 - (ii) The proposed clearing of native scrub is considered a detrimental reduction of the natural resource values of the locality and a diminishment of its rural character.
 - 3) Advise the applicant of the resolution of Council accordingly.
 - 4) Advise all those who lodged a submission of Council's decision accordingly.

(Cr Bowman -)

MOTION LAPSED due to the lack of a seconder.

Cr Catalano requested to second the motion. The Presiding Member did not accept the request.

PROCEDURAL MOTION

That the ruling of the Presiding Member be disagreed with.

(Cr Johnson - Cr Bowman)

PROCEDURAL MOTION WAS PUT TO THE VOTE AND LOST (5/8)

For: Crs Bowman, Catalano, Howlett, Johnson and Predovnik

Lost: Crs Congerton, Henderson, Jones, Knight, Lucas, McCullough, Parry and Zannino

MOTION that the Council resolve to:

- 1) Not approve any part of the development application for the 'Single House' and 'Animal Training Establishment (Dog Kennel) at Lot 1 (no 102) Old West Road Bullsbrook.
- 2) Record the reason for changing the Officer Recommendation is that the land is zoned general rural and this application is a discretionary activity requiring discretion of Council which should consider the adverse impact of:
 - a) dogs barking on persons and horses on surrounding properties,
 - b) external lighting on surrounding properties,
 - c) clearing of native vegetation on environment, and
 - d) dog waste into the ground water.

(Cr Catalano -)

MOTION LAPSED due to the lack of a seconder.

MOTION that the Council resolve to adopt the officer recommendation

(Cr McCullough – Cr Howlett)

RESOLVED (9/4) TO:

- 1) Not approve that part of the proposed development for the 'Single House' and 'Animal Establishment' (Dog Kennel) at Lot 1 (No.102) Old West Road, Bullsbrook that comprises the proposed 1.8m tall colourbond fence around the boundaries of the subject lot for the following reason:
 - a) The extent of the proposed solid fencing is not considered to be consistent with the rural character of the locality.
- 2) Approve all other parts of the development application for the 'Single House' and 'Animal Establishment' (Dog Kennel) at Lot 1 (No.102) Old West Road, Bullsbrook, subject to the following conditions:
 1. This approval is for a 'Single House' and 'Animal Establishment' as defined under the City of Swan Local Planning Scheme No.17 and the subject land may not be used for any other use without prior approval of the City of Swan.
 2. The 'Single House' and 'Animal Establishment' must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 3. No more than 50 dogs are permitted on the property at any one time.
 4. No more than three (3) dogs are permitted in any of the training fields at any one time.
 5. The kennel building is to be constructed so as to achieve the noise levels estimated to be received from noise generated by dogs inside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2021).
 6. All dogs on-site are to be kept in the kennel building and not allowed outside the kennel building and into the exercise areas or training fields before 7.00am Monday to Saturday or before 9.00am on Sundays and Public Holidays and after 10.00pm daily.
 7. Prior to commencement of operation the applicant/owner is to install around the perimeter of each of the three (3) training areas a 1.8m tall colourbond fence so as to achieve the noise levels estimated to be received from noise generated by dogs outside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2021).
 8. Prior to commencement of operation the applicant/owner is to install around the perimeter of the lot a fence of post and wire construction to a standard and height sufficient to detain any dog.

9. Prior to the commencement of operation the applicant/owner is to submit to the satisfaction of the City of Swan an Operational Management Plan that:
 - a) Details how the operation of the facility and the handling of dogs outside of the kennel building will achieve the noise levels estimated to be received from noise generated by dogs outside as per the Acoustic Assessment prepared by Herring Storer Acoustics (August 2021); and
 - b) Provides for the collection, temporary storage and transport off site of all dog excrement.
10. The operation of the facility must be in accordance with the Approved Operational Management Plan.
11. Prior to occupation or use of the development, the vehicle parking bays must be provided on the lot in accordance with the approved plans. The design of vehicle parking and access must comply with AS/NZ 2890.1 (as amended). Accessible parking bays must comply with AS/NZ 2890.6 (as amended).
12. All crossovers must be built and maintained in accordance with the City of Swan's specifications.
13. Vehicle parking areas, access and circulation areas must be sealed, kerbed, drained and maintained to the satisfaction of the City of Swan, in accordance with the approved plans.
14. A refuse bin area adequate to service the development and in compliance with the City of Swan Health Local Law 2002 (Part 4) shall be provided to the satisfaction of the City of Swan before the development is occupied or used.
15. Prior to commencement of operation the facility is to have installed an on-site effluent disposal system approved by the Health Department of Western Australia.
16. The 'Single House' shall incorporate all relevant construction standards of Australian Standard 3959:2009 - Construction of Buildings in Bushfire Prone Areas applicable to a Bushfire Attack Level (BAL) rating of BAL-29 as specified in the Bushfire Management Plan prepared by Dwayne Griggs (dated 29 March, 2022, version 2.0). All requirements of the Bushfire Management Plan are to be implemented and thereafter maintained.
17. Prior to the occupation of the development, an Asset Protection Zone of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances must be established on the land surrounding the development in accordance with the submitted Bushfire Management Plan prepared by Dwayne Griggs (dated 29 March, 2022, version 2.0) and Element No.2 of the Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must thereafter be maintained on the land in accordance with the Bushfire Management Plan and the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the City of Swan for the life of the development.

18. Prior to the occupation of the development, the development must incorporate all of the requirements of the bushfire protection criteria in the Guidelines for Planning in Bushfire Prone Areas, including but not limited to:
 - a) The private (internal) driveway must be designed and constructed to meet all of the requirements in Element No.3, Table No.6, Column No.3 of the Guidelines, and must have an all-weather surface, and a turn-around area designed to accommodate a type 3.4 fire appliance located within 50m of the development;
 - b) Firebreaks are to be installed as prescribed in the City of Swan's Fire Hazard Reduction Notice or an alternative firebreak approved by the City of Swan; and
 - c) A dedicated static water supply that has the effective capacity of 10,000 litres must be installed on the lot and maintained for fire-fighting purposes at or above the designated capacity at all times.

The development must thereafter be maintained to this standard in perpetuity, to the satisfaction of the City of Swan.
19. The sheds must only be used for domestic and/or purposes associated with the approved use of the land, and not for human habitation.
20. Prior to the occupation of the 'Single House' a 120,000 litre rainwater tank or alternative portable water supply must be provided for the development to the satisfaction of the City of Swan.
21. The kennel building, sheds and solid fencing must be clad in a material, or painted in a colour of natural or earth tones to complement the surroundings and/or adjoining developments, in which it is located to the satisfaction of the City of Swan.
22. External lighting shall comply with the requirements of AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.
23. Prior to a building permit being issued, the applicant/owner is to submit to the satisfaction of the City of Swan a Landscaping Plan for the subject site that:
 - Provides for the retention of all marri and melaleuca trees on-site; and
 - Provides for retained scrub or new native planting around the outside of the fencing around the training fields.
24. All landscaping must be completed in accordance with the approved detailed landscaping plan, prior to the occupation of the building. All landscaping is to be maintained onsite to the satisfaction of the City of Swan.

25. The carrying on of the development must not cause dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City of Swan if it is considered that a dust nuisance exists.
 26. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the City of Swan.
 27. All building works to be carried out on-site under this development approval are required to be contained within the boundaries of the subject lot.
 28. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 3) Advise the applicant of the resolution of Council accordingly.
 - 4) Advise all those who lodged a submission of Council's decision accordingly.

For: Crs Congerton, Henderson, Howlett, Jones, Johnson, McCullough, Parry, Predovnik and Zannino

Against: Crs Bowman, Catalano, Knight and Lucas

4.7 REMOVAL OF THE LAWN AND CONCRETE THE LAWN AREA FOR VEHICLE PARKING - LOT 186 (NO.176) CAMBOON ROAD, MALAGA (DA445-21)

Ward: (Whiteman Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Grant approval for the Removal of the front lawn and concreting the area for vehicle parking and reversing at Lot 186 (No.176) Camboon Road, Malaga subject to the following conditions:
 - a. Prior to the commencement of any site works, the proponent is to submit drawings to a recognised scale showing the proposed new car parking bays, line marking, associated manoeuvring, turning bay, stormwater management and calculations and a minimum 1m wide landscaped strip across the frontage to have a hedge planted with a minimum height of 1m with species noted in a legend.
 - b. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 - c. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

MOTION that the Council resolve to:

- 1) Grant approval for the Removal of the front lawn and concreting the area for vehicle parking and reversing at Lot 186 (No.176) Camboon Road, Malaga subject to the following conditions:
 - a. Prior to the commencement of any site works, the proponent is to submit drawings to a recognised scale showing the proposed new car parking bays, line marking, associated manoeuvring, turning bay, stormwater management and calculations. Reinstate the garden bed to the right of the lot driveway. Reinstate the garden bed under the lean-two.
 - b. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 - c. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
- 2) Record the reason for changing the Officer Recommendation is that the proposed alternative see a better result for the landscaping design.

(Cr Congerton - Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) Grant approval for the Removal of the front lawn and concreting the area for vehicle parking and reversing at Lot 186 (No.176) Camboon Road, Malaga subject to the following conditions:
 - a. Prior to the commencement of any site works, the proponent is to submit drawings to a recognised scale showing the proposed new car parking bays, line marking, associated manoeuvring, turning bay, stormwater management and calculations. Reinstate the garden bed to the right of the lot driveway. Reinstate the garden bed under the lean-two.
 - b. The approved development must comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon by the City of Swan. The plans approved as part of this application form part of the development approval issued.
 - c. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
- 2) Record the reason for changing the Officer Recommendation is that the proposed alternative see a better result for the landscaping design.

**4.8 PROPOSED OUTBUILDING WITHIN THE ASSET PROTECTION ZONE -
VARIATION TO THE PROVISION OF THE LOCAL DEVELOPMENT PLAN -
LOT 6756 (NO.29) STARKE TURN, ELLENBROOK (DA577-21)**

Ward: (Pearce Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Refuse the proposed Outbuilding at Lot 6756 (No.29) Starke Turn, Ellenbrook for the following reasons
 - a. The proposed development is located within a Bushfire Asset Protection Zone and would be contrary to the provisions of the associated Local Development Plan.
 - b. The proposal is contrary to the provisions of the City of Swan Local Planning Scheme No.17, clause 10.2 (b), (c) and (n).

MOTION that the Council resolve to:

- 1) Approve the proposed outbuilding on Lot 6756 (No.29) Starke Turn, Ellenbrook subject to the following conditions:
 1. The shed is to be wholly of steel construction.
 2. All stormwater generated by the outbuilding is to be contained wholly onsite.
 3. No gutter, downpipes or fittings that would accumulate combustible materials to be fitted.
- 2) Record the reason for changing the Officer Recommendation is that a basic steel structure, free of combustible materials should pose a minimal potential fire risk to surrounding properties.

(Cr Henderson – Cr Knight)

RESOLVED (11/2) TO:

- 1) Approve the proposed outbuilding on Lot 6756 (No.29) Starke Turn, Ellenbrook subject to the following conditions:
 1. The shed is to be wholly of steel construction.
 2. All stormwater generated by the outbuilding is to be contained wholly onsite.
 3. No gutter, downpipes or fittings that would accumulate combustible materials to be fitted.
- 2) Record the reason for changing the Officer Recommendation is that a basic steel structure, free of combustible materials should pose a minimal potential fire risk to surrounding properties.

For: Crs Catalano, Congerton, Henderson, Howlett, Jones, Johnson, Knight, Lucas, McCullough, Parry and Zannino

Against: Crs Bowman and Predovnik

**4.9 STATUTORY PLANNING DECISIONS UNDER DELEGATED AUTHORITY - 18
MARCH 2022 TO 13 APRIL 2022**

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the list of Statutory Planning decisions made under delegated authority for the period 18 March 2022 to 13 April 2022.

CARRIED EN BLOC

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

3. CONFIDENTIAL ITEMS

RESOLVED UNANIMOUSLY that the Council meet behind closed doors, having regard to the provisions of s.5.23(2) of the *Local Government Act 1995*.

(Cr Bowman - Cr Johnson)

All members of the public and media left the Chamber at 7.39pm and did not return.

C3.1 PROPERTY DIVESTMENT - LOT 332 VICTORIA ROAD, WEST SWAN

Ward: (Swan Valley/Gidgegannup Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed

(Regulation 4A of the *Local Government (Administration) Regulations 1996* - The Determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve to:

- 1) Authorise the sale of Lot 332 Victoria Road, West Swan in accordance with the requirements of s3.58 of the *Local Government Act 1995*.
- 2) Authorise the CEO to negotiate the terms of offers received and acceptance of an offer/s in accordance with 1) above.
- 3) Conduct public advertising of the intended disposition in accordance with s3.58(3)(a), and if any submissions of the proposed disposition are received as a result, a report will be brought back to council for a final decision under section 3.58 (3) (b) of *Local Government Act 1995*. If no submissions are received the CEO is authorised to finalise the disposition.
- 4) Place net proceeds from the sale of Lot 332 Victoria Road, West Swan into the Strategic Land Development Reserve.
- 5) Keep the valuation provided confidential.
- 6) Undertake remediation works identified in the report upon acceptance of an offer.
- 7) Make the sale of the land subject to it being amalgamated with the purchaser's land.

CARRIED EN BLOC

C3.2 PROPERTY ACQUISITION - LOT 3 (NO.27) AND LOT 19 (NO.29) THE CRESCENT, MIDLAND

Ward: (Midland/Guildford Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (h) such other matters as may be prescribed

(Regulation 4A of the *Local Government (Administration) Regulations 1996* - The Determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter)

RECOMMENDATION

That the Council resolve:

- 1) To authorise the CEO to seek an updated valuation to voluntary acquire Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland.
- 2) To authorise the CEO to progress negotiations for the acquisition of Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland at an acquisition price within a [confidential] of the valuation in Part 1, but not exceeding [confidential] (excluding GST).
- 3) That a report on the outcome of Parts 1 and 2 and the consideration of an associated budget item to fund the acquisition be submitted to Council for a final decision.
- 4) Determine the values mentioned in Part 2 be kept confidential.

MOTION that the Council resolve to:

- 1) Request the Chief Executive Officer to advise the owner that Council intends to hold a Midland Oval workshop for Councillors in the near future where potential modifications to the Midland Oval Masterplan and the outcomes of a Midland Oval Program review will be considered.
- 2) Request the Chief Executive Officer advise the owner of the indicative dates for the Midland Oval workshop.
- 3) To advise the owner that a decision on acquisition of Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland will be considered at a Council meeting following the Midland Oval workshop.
- 4) Record the reasons for changing the officers recommendation as follows:
 1. [Confidential]
 2. A decision on acquisition will be made following the Midland Oval workshop.
- 5) Keep resolution 4) 1. of this motion confidential until the acquisition of Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland is determined.

(Cr Johnson – Cr Howlett)

RESOLVED UNANIMOUSLY TO:

- 1) Request the Chief Executive Officer to advise the owner that Council intends to hold a Midland Oval workshop for Councillors in the near future where potential modifications to the Midland Oval Masterplan and the outcomes of a Midland Oval Program review will be considered.
- 2) Request the Chief Executive Officer advise the owner of the indicative dates for the Midland Oval workshop.
- 3) To advise the owner that a decision on acquisition of Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland will be considered at a Council meeting following the Midland Oval workshop.
- 4) Record the reasons for changing the officers recommendation as follows:
 1. [Confidential]
 2. A decision on acquisition will be made following the Midland Oval workshop.
- 5) Keep resolution 4) 1. of this motion confidential until the acquisition of Lot 3 (No.27) and Lot 19 (No.29) The Crescent, Midland is determined.

C3.3 WORKPLACE CULTURE REVIEW (COUNCILLORS)

Ward: (All Wards) (Chief Executive Office)

Disclosure of Interest: Nil

Authorised Officer: (Chief Executive Officer)

REASONS FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

RECOMMENDATION

That the Council resolve to:

- 1) Support Option 2: Board Performance and Monitoring.
- 2) Seek quotations from suitably qualified and experienced persons and/or organisations with the scope of work to include:
 - a. Regular attendance at Council Meetings
 - b. Feedback to Council on Board Performance and Effectiveness
 - c. Recommendations for improvements
 - d. Training on Board Performance and Effectiveness
- 3) Request the CEO to evaluate these quotations and present them back to Council for selection and award.

MOTION that the Council resolve to:

- 1) Support Option 5: Self-directed individual learning.
- 2) Request City officers to identify additional professional development opportunities for Councillors that specifically focus on leadership development, workplace culture, board performance, and interpersonal and communication skills and provide these through existing channels.
- 3) The reason is that Councillors have an individual obligation and responsibility to ensure that they receive the training they require to be able to complete their role as a Councillor.

(Cr Parry – Cr Howlett)

RESOLVED (10/3) TO:

- 1) Support Option 5: Self-directed individual learning.
- 2) Request City officers to identify additional professional development opportunities for Councillors that specifically focus on leadership development, workplace culture, board performance, and interpersonal and communication skills and provide these through existing channels.
- 3) The reason for changing the Officer Recommendation is that Councillors have an individual obligation and responsibility to ensure that they receive the training they require to be able to complete their role as a Councillor.

For: Crs Bowman, Congerton, Henderson, Howlett, Jones, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Catalano, Johnson and Knight

Ordinary Meeting of Council
04 May 2022

The Presiding Member adjourned the meeting for a short recess at 8.02pm.

The Presiding Member resumed the meeting at 8.18pm.

Crs Congerton and Jones did not return to the meeting.

PART B - REPORTS

5. OPERATIONAL MATTERS

5.1 CONSTRUCTION OF A WORKSHOP AT THE MIDLAND MEN'S SHED (RFT22JS12)

Ward: (Midland/Guildford Ward) (Project Management)

Disclosure of Interest: Nil

Authorised Officer: Executive Manager Operations

An attachment to this report is **CONFIDENTIAL** as it includes information regarding a contract which may be entered into by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed would reveal a trade secret or contains information about or of value to a person. Should Council seek to discuss the confidential information during the Council meeting, Council should resolve to move behind closed doors.

Council considered this matter behind closed doors.

RECOMMENDATION

That the Council resolve to:

- 1) Select Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services as the preferred tenderer.
- 2) Authorise the Chief Executive Officer to enter into negotiations with Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services for the minor variations which meet the City's requirement for the RFT22JS12 – Construction of a workshop at the Midland Men's Shed.
- 3) Authorise the Chief Executive Officer to remove the preferred tenderer status from Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services should negotiations for the minor variations be unsuccessful to the City, and proceed to select and enter into negotiations for any minor variations with Budo Group Pty Ltd.
- 4) Upon award of the contract, advise all tenderer's and update the City's public tender register in accordance with Local Government (Functions and General) Regulations 1996 (WA).
- 5) Include additional funding for this project in the 22/23 draft budget.

MOTION that the Council resolve to:

- 1) That the Council resolve to not support the appointment of a successful tenderer (RFT22JS12) – Construction of a workshop at the Midland Men’s Shed until:
 1. Section 18 has been granted for the construction of a workshop at the Midland Men’s Shed site.
 2. The additional funds required to complete the project has been secured through lobbying the State & Federal government for further grant funding.
- 2) Record the reasons for changing the Officers Recommendation are:
 1. The Aboriginal Cultural Material Committee (ACMC) met on 12 April 2022 and with the Minister having 40 days to make a determination it is important to know whether the works can proceed.
 2. There has been a significant increase in the costs required to complete the build that need to be secured before the appointment of a successful tenderer. Failing the success in receiving extra funding the Midland Men's Shed are encouraged to build the workshop within the constraints of the original grant funding of \$152,000.

(Cr Howlett - Cr Johnson)

MOTION WAS PUT TO THE VOTE AND LOST (5/6)

For: Crs Catalano, Henderson, Johnson, Howlett, Knight

Against: Crs Bowman, Lucas, McCullough, Parry, Predovnik and Zannino

FORESHADOWED MOTION:

In the event of the motion being defeated, Cr Bowman foreshadowed that he would move the Officer Recommendation, with amendments.

MOTION that the Council resolve to:

- 1) Select Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services as the preferred tenderer subject to:
 - a) Section 18 being granted for the construction of a workshop at the Midland Men's Shed site.
- 2) Authorise the Chief Executive Officer to enter into negotiations with Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services for the minor variations which meet the City's requirement for the RFT22JS12 – Construction of a workshop at the Midland Men's Shed.
- 3) Authorise the Chief Executive Officer to remove the preferred tenderer status from Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services should negotiations for the minor variations be unsuccessful to the City, and proceed to select and enter into negotiations for any minor variations with Budo Group Pty Ltd.
- 4) Upon award of the contract, advise all tenderer's and update the City's public tender register in accordance with Local Government (Functions and General) Regulations 1996 (WA).
- 5) Request a report to be provided within 6 months of what changes in current practices will be put in place to ensure when grant funding from state or federal governments or other funding providers is provided that the City is fully aware of the total cost and the full cost commitment required to be funded by the City of Swan ratepayers.

(Cr Bowman - Cr Parry)

RESOLVED (8/3) TO:

- 1) Select Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services as the preferred tenderer subject to:
 - a) Section 18 being granted for the construction of a workshop at the Midland Men's Shed site.
- 2) Authorise the Chief Executive Officer to enter into negotiations with Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services for the minor variations which meet the City's requirement for the RFT22JS12 – Construction of a workshop at the Midland Men's Shed.
- 3) Authorise the Chief Executive Officer to remove the preferred tenderer status from Hoskins Investments Pty Ltd ATF M R Hoskins Family Trust T/A AE Hoskins Building Services should negotiations for the minor variations be unsuccessful to the City, and proceed to select and enter into negotiations for any minor variations with Budo Group Pty Ltd
- 4) Upon award of the contract, advise all tenderer's and update the City's public tender register in accordance with Local Government (Functions and General) Regulations 1996 (WA).
- 5) Request a report to be provided within 6 months of what changes in current practices will be put in place to ensure when grant funding from state or federal governments or other funding providers is provided that the City is fully aware of the total cost and the full cost commitment required to be funded by the City of Swan ratepayers.

For: Crs Bowman, Johnson, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Catalano, Henderson and Howlett

RESOLVED UNANIMOUSLY that the Council no longer meet behind closed doors.

(Cr Bowman - Cr Zannino)

RESOLVED UNANIMOUSLY TO:

1) Amend the order of business to deal with the following items prior to all remaining items:

- 6.3 - Budget Adjustments 2021-2022 - May 2022
- 6.6 - Proposed 2022/23 Differential Rates and Specified Area Rates

(Cr Bowman – Cr Zannino)

6. FINANCIAL AND LEGAL MATTERS

6.1 LIST OF ACCOUNTS PAID - MARCH 2022

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Note the Chief Executive Officer's list of accounts paid under delegated authority for March 2022, in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

CARRIED EN BLOC

6.2 FINANCIAL MANAGEMENT REPORT FOR PERIOD ENDED 31 MARCH 2022

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Note the financial statements and report for the month ended 31 March 2022 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

CARRIED EN BLOC

6.3 BUDGET ADJUSTMENTS 2021-2022 - MAY 2022

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Approve the adjustments to the 2021/2022 City Budget as detailed in this report and attachment, in accordance with section 6.8(1) of the *Local Government Act 1995*.

MOTION that the Council resolve to adopt officer recommendation

(Cr Parry - Cr Johnson)

RESOLVED (9/2) TO:

- 1) Approve the adjustments to the 2021/2022 City Budget as detailed in this report and attachment, in accordance with section 6.8(1) of the *Local Government Act 1995*.

For: Crs Henderson, Howlett, Johnson, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Bowman and Catalano

6.4 CHANGE IN BASIS OF VALUATION

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Request the Minister for Local Government to approve the change to the method of valuation of the land areas referred to in this report from unimproved values to gross rental values, in accordance with section 6.28 of the *Local Government Act 1995*.
 - A. Lot 97 on Plan 4553 - 31 Lakes Road, HAZELMERE WA 6055
 - B. Lot 100 on Diagram 86349 – South Guildford Exchange 11665, West Parade, SOUTH GUILDFORD WA 6055
 - C. Lot 817 on Deposited Plan 410439 - 47 Lakes Road, HAZELMERE WA 6055

CARRIED EN BLOC

6.5 ESTABLISHMENT OF TWO (2) NEW RESERVES - PUBLIC OPEN SPACE RESERVE - SWAN VIEW AND PUBLIC OPEN SPACE RESERVE - MIDDLE SWAN

Ward: (Midland/Guildford Ward and Swan Valley/Gidgegannup Ward) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Establish a Public Open Space Reserve - Swan View in accordance with Section 6.11 of the *Local Government Act 1995* with the purpose of the Reserve being "to hold money received under section 153 of the *Planning and Development Act 2005* for the purposes set out in section 154 subsection (2)(a) to (d)."
- 2) Establish a Public Open Space Reserve - Middle Swan in accordance with Section 6.11 of the *Local Government Act 1995* with the purpose of the Reserve being "to hold money received under section 153 of the *Planning and Development Act 2005* for the purposes set out in section 154 subsection (2)(a) to (d)."
- 3) Transfer all funds currently held in Trust under section 154 of the *Planning and Development Act 2005* received prior to 10 April 2006 (\$94,000) to the Public Open Space Reserve - Swan View (\$9,000) and the Public Open Space Reserve - Middle Swan (\$85,000).

CARRIED EN BLOC

6.6 PROPOSED 2022/23 DIFFERENTIAL RATES AND SPECIFIED AREA RATES

Ward: (All Wards) (Financial Services and Rates)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Corporate)

RECOMMENDATION

That the Council resolve to:

- 1) Advertise the following differential rates and minimum rate for the 2022/23 financial year.

Gross Rental Value Properties

Category	Rate in \$GRV	Minimum rate
Residential	8.5499c	\$890
Commercial/Industrial	9.8247c	\$1,420
Heavy Industry	16.1131c	\$1,710

Unimproved Value Properties

Category	Rate in \$UV	Minimum rate
UV General	0.35227c	\$890
UV Commercial	0.55529c	\$890
Farmland	0.27765c	\$890

- 2) Adopt the Objects of, and Reasons for each Differential Rate and Minimum as shown in Attachment 1.

- 3) Advertise the following Specified Area Rates for 2022/23 financial year:

Specified area rate	
Area	Rate in \$
Midland Drainage	0.6578c
Hazelmere/Guildford	0.6657c
Hazelmere Industrial area-Roads and Drainage	
Area	Rate in \$
GRV Properties	3.896277c
UV Properties	0.107720c

MOTION that the Council resolve:

- 1) That the item be deferred until more detailed financial information is provided to Council, including but not limited to the draft operating expenditure budget.
- 2) Record the reason for changing the Officer Recommendation is to allow further work to be undertaken to identify savings.

(Cr Bowman – Cr Knight)

MOTION WAS PUT TO THE VOTE AND LOST (4/7)

For: Crs Bowman, Catalano, Knight and Predovnik

Against: Crs Henderson, Howlett, Johnson, Lucas, McCullough, Parry and Zannino

MOTION that the Council resolve to adopt the Officer recommendation.

(Cr Parry - Cr Zannino)

RESOLVED (9/2) TO:

- 1) Advertise the following differential rates and minimum rate for the 2022/23 financial year.

Gross Rental Value Properties

Category	Rate in \$GRV	Minimum rate
Residential	8.5499c	\$890
Commercial/Industrial	9.8247c	\$1,420
Heavy Industry	16.1131c	\$1,710

Unimproved Value Properties

Category	Rate in \$UV	Minimum rate
UV General	0.35227c	\$890
UV Commercial	0.55529c	\$890
Farmland	0.27765c	\$890

- 2) Adopt the Objects of, and Reasons for each Differential Rate and Minimum as shown in Attachment 1.
- 3) Advertise the following Specified Area Rates for 2022/23 financial year:

Specified area rate	
Area	Rate in \$
Midland Drainage	0.6578c
Hazelmere/Guildford	0.6657c
Hazelmere Industrial area-Roads and Drainage	
Area	Rate in \$
GRV Properties	3.896277c
UV Properties	0.107720c

For: Crs Henderson, Howlett, Johnson, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Bowman and Catalano

3. COMMUNITY PLANNING AND DEVELOPMENT

3.3 HOMELESSNESS IN THE CITY OF SWAN - UPDATE

Ward: (All Wards) (Community and Libraries)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Community Wellbeing)

RECOMMENDATION

That the Council resolve to:

- 1) Note the Homelessness in the City of Swan update provided in this report.
- 2) Endorse that better addressing homelessness is a Council priority, as identified via Council led service planning for 2022/2023.
- 3) Increase the City's service level by the recruitment of a part-time (0.5 FTE) project officer, for a two year contract, to assist in better coordinating a response to homelessness in the City via the Midland Alliance to End Homelessness.
- 4) Add the above position to the draft budget for 2022/2023.
- 5) Provide a report to Council after 12 months on progress of the above role and homelessness status in the City.

MOTION that the Council resolve to:

- 1) Note the Homelessness in the City of Swan update provided in this report.
- 2) Endorse that better addressing homelessness is a Council priority, as identified via Council led service planning for 2022/2023.
- 3) Reallocate 0.5FTE from the existing staffing structure within the Community Wellbeing directorate from identified FTE savings to:
 - a) Improve coordination and outcomes delivered via the Midland Alliance to End Homelessness.
 - b) Prioritise a reduction in street-present homelessness in the City.
 - c) Advocate and lobby to the State Government to increase affordable housing and housing for the homeless across the whole metropolitan area.
- 4) Provide an annual report against the current benchmark and homelessness status in the City.
- 5) Record the reason for changing the Officer Recommendation is that continually increasing operating costs puts pressure on a need for a rate increase.

(Cr Bowman - Cr Catalano)

RESOLVED UNANIMOUSLY TO:

- 1) Note the Homelessness in the City of Swan update provided in this report.
- 2) Endorse that better addressing homelessness is a Council priority, as identified via Council led service planning for 2022/2023.
- 3) Reallocate 0.5FTE from the existing staffing structure within the Community Wellbeing directorate from identified FTE savings to:
 - a) Improve coordination and outcomes delivered via the Midland Alliance to End Homelessness.
 - b) Prioritise a reduction in street-present homelessness in the City.
 - c) Advocate and lobby to the State Government to increase affordable housing and housing for the homeless across the whole metropolitan area.
- 4) Provide an annual report against the current benchmark and homelessness status in the City.
- 5) Record the reason for changing the Officer Recommendation is that continually increasing operating costs puts pressure on a need for a rate increase.

7. GOVERNANCE

7.1 ANNUAL MEETING OF ELECTORS MOTION 6 - URBAN DEVELOPMENT AND APPLICATION OF POLICIES

Ward: (All Wards) (Statutory Planning)

Disclosure of Interest: Nil.

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note the request in the motion.
- 2) Note that City staff endeavour to ensure that the assessment of planning applications evaluates all issues relevant to the application and that such evaluation is presented clearly and concisely before Council.

CARRIED EN BLOC

7.2 ANNUAL MEETING OF ELECTORS MOTION 11 - MARKETING OFFICER TO PROMOTE INDIGENOUS AND NON-INDIGENOUS HERITAGE

Ward: (All Wards) (Marketing and Public Relations)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Place Stakeholder Engagement)

RECOMMENDATION

That the Council resolve to:

- 1) Consider the service level increase for the promotion of Aboriginal and non-Aboriginal history of the City of Swan, including a Heritage Marketing Officer, as part of the 2022/23 Budget Review process or the 2023/24 Business Planning process.

CARRIED EN BLOC

7.3 ANNUAL MEETING OF ELECTORS MOTION 16 - MIDLAND CENTRAL PARK

Ward: (Midland/Guildford Ward) (Business & Tourism Services)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note that it is currently considering the public open space provision at New Junction as part of its existing program, and will keep Mr Irwin updated on the outcome of the Council's review process.

CARRIED EN BLOC

**7.4 ANNUAL MEETING OF ELECTORS MOTION 17 - DEVON STREET,
WOODBIDGE**

Ward: (Midland/Guildford Ward) (Statutory Planning)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Planning and Development)

RECOMMENDATION

That the Council resolve to:

- 1) Note that the CEO is currently investigating the feasibility of the City obtaining a Management Order from the State Government for Lots 1, 2, 3, 4 and 178 Devon Street, Woodbridge and a report will be prepared for the Ordinary Meeting of Council on 1 June 2022, as per Council's resolution of 6 April 2022.

CARRIED EN BLOC

7.5 ANNUAL MEETING OF ELECTORS MOTION 22 - RAINBOW PARK, BENNETT SPRINGS

Ward: (Altone Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Consider upgrading Rainbow Park, Bennett Springs, as part of the budget process for 2022/23.

CARRIED EN BLOC

**7.6 ANNUAL MEETING OF ELECTORS MOTION 23 - WATER FOUNTAINS,
BENNETT SPRINGS**

Ward: (Altone Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

RECOMMENDATION

That the Council resolve to:

- 1) Include \$48,000 on the draft Long Term Financial Plan for 2023/24 for the installation of drink fountains for personal and animal usage at Fountain Park, Orchid Park, Dazzle Park, Alstonia Park, Fairywren Park and Bennett Springs Oval Playing Field.

MOTION that the Council resolve:

- 1) That officers investigate and report back to Council to allow for consideration in the draft Long Term Financial Plan for 2023/2024 a list of all City of Swan parks that should have the installation of drink fountains for personal and / or animal use. The report is to include all identified parks ranked in order of priority.
- 2) Record the reason for changing the Officer Recommendation is to ensure a City wide approach is taken.

(Cr Bowman - Cr Parry)

RESOLVED UNANIMOUSLY TO:

- 1) That officers investigate and report back to Council to allow for consideration in the draft Long Term Financial Plan for 2023/2024 a list of all City of Swan parks that should have the installation of drink fountains for personal and / or animal use. The report is to include all identified parks ranked in order of priority.
- 2) Record the reason for changing the Officer Recommendation is to ensure a City wide approach is taken.

8. REPORTS OF THE CHIEF EXECUTIVE OFFICER

Nil

9. URGENT BUSINESS

Nil

PART C - OTHER BUSINESS AND CLOSING PROCEDURES

1. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C1.1 CR ZANNINO - ACCESS TRACK OFF BOULONNAIS DRIVE, BRIGADOON

Ward: (Swan Valley/Gidgegannup Ward) (Construction and Maintenance)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Zannino submitted the following Notice of Motion:

That the Council resolve to:

- 1) Undertake regular maintenance of the access track on Boulonnais Drive, Brigadoon.

Reason for Motion (provided by Cr Zannino)

It is the only access for several properties.

OFFICER COMMENT

An access track off Boulonnais Drive was constructed in 1986 to allow access to lots fronting Campersic Road, which have steep drops onto the Campersic Road frontage. The City has an Easement over the track, although the land is held in private ownership. The City has occasionally undertaken grading maintenance of the track as some properties along the track have no other access point. Legal advice indicates that the City has a discretion, but not an obligation, to keep the access track in good repair.

Some property owners have indicated that they would like the City to undertake maintenance on the track and others have indicated objection to such work.

Council previously considered this matter at the Ordinary Meeting of Council on 14 December 2011. At that meeting it was resolved to:

- 1) *Take no action at this time in respect to the Boulonnais Drive Access Track to allow the residents further time to prepare a proposal for presentation to the City.*
- 2) *Record that the reason for changing the Recommendation is that the residents are preparing a joint submission but they require further time to ensure that all owners are in agreement with the proposal.*

In the intervening years, the residents have been unable to agree on a proposal for the management of the access track.

A copy of the previous report is attached.

Should Council resolve to undertake regular maintenance on the access track, it is estimated to cost approximately \$15,000 per annum.

MOTION that the Council resolve to:

- 1) Undertake regular maintenance of the access track on Boulonnais Drive, Brigadoon.
- 2) Write to Landgate, with a copy to the Minister for Lands, seeking a naming of this right-of-way, so it can be added to the register of street names.
- 3) Request that the Minister dedicate this land as a road.
- 4) Record the reason for this motion is that this right-of-way has been used by residents for over thirty (30) years and is the only access for Lot 28, Lot 30, Lot 32, Lot 36, Lot 38, Lot 40 and Lot 74, Brigadoon. The Land Act provides that roads can be created after the right-of-way has been used as a road for more than ten (10) years. Creating a road will ensure that the City of Swan will maintain this road, ensure that emergency services are able to identify and have safe access to these residents and properties, as well as providing safe access for residents on a daily basis.

(Cr Zannino - Cr Henderson)

The A/CEO advised that the motion, as moved, was substantially different to the motion of which notice had been given. Additional elements would require further staff comment.

Cr McCullough left the Chamber at 9.48pm.

Cr McCullough entered the Chamber at 9.50pm.

AMENDMENT TO THE MOTION

Cr Bowman proposed the following wording for the motion:

- 1) Undertake urgent repairs of the access track on Boulonnais Drive, Brigadoon to allow safe access to properties.
- 2) That officers provide a report to Council on all matters, including legal and financial costs, in dedicating the track as a road.

AMENDMENT TO THE MOTION

Cr Zannino amended the wording of his motion to:

- 1) Undertake regular maintenance of the access track on Boulonnais Drive, Brigadoon as soon as possible.
- 2) That City officers investigate the possibility to:
 - a) Write to Landgate, with a copy to the Minister for Lands, seeking a naming of this right-of-way, so it can be added to the register of street names.
 - b) Request that the Minister dedicate this land as a road.
- 3) Record the reason for this motion is that this right-of-way has been used by residents for over thirty (30) years and is the only access for Lot 28, Lot 30, Lot 32, Lot 36, Lot 38, Lot 40 and Lot 74, Brigadoon. The Land Act provides that roads can be created after the right-of-way has been used as a road for more than ten (10) years. Creating a road will ensure that the City of Swan will maintain this road, ensure that emergency services are able to identify and have safe access to these residents and properties, as well as providing safe access for residents on a daily basis.

The seconder of the substantive motion agreed to the amendment.

THE AMENDMENT BECAME THE SUBSTANTIVE MOTION

The following clarification was made:

The word 'regular' is replaced with 'urgent' in Part 1.

AMENDMENT TO THE MOTION

Cr Catalano requested the following be inserted as Part 2) c)

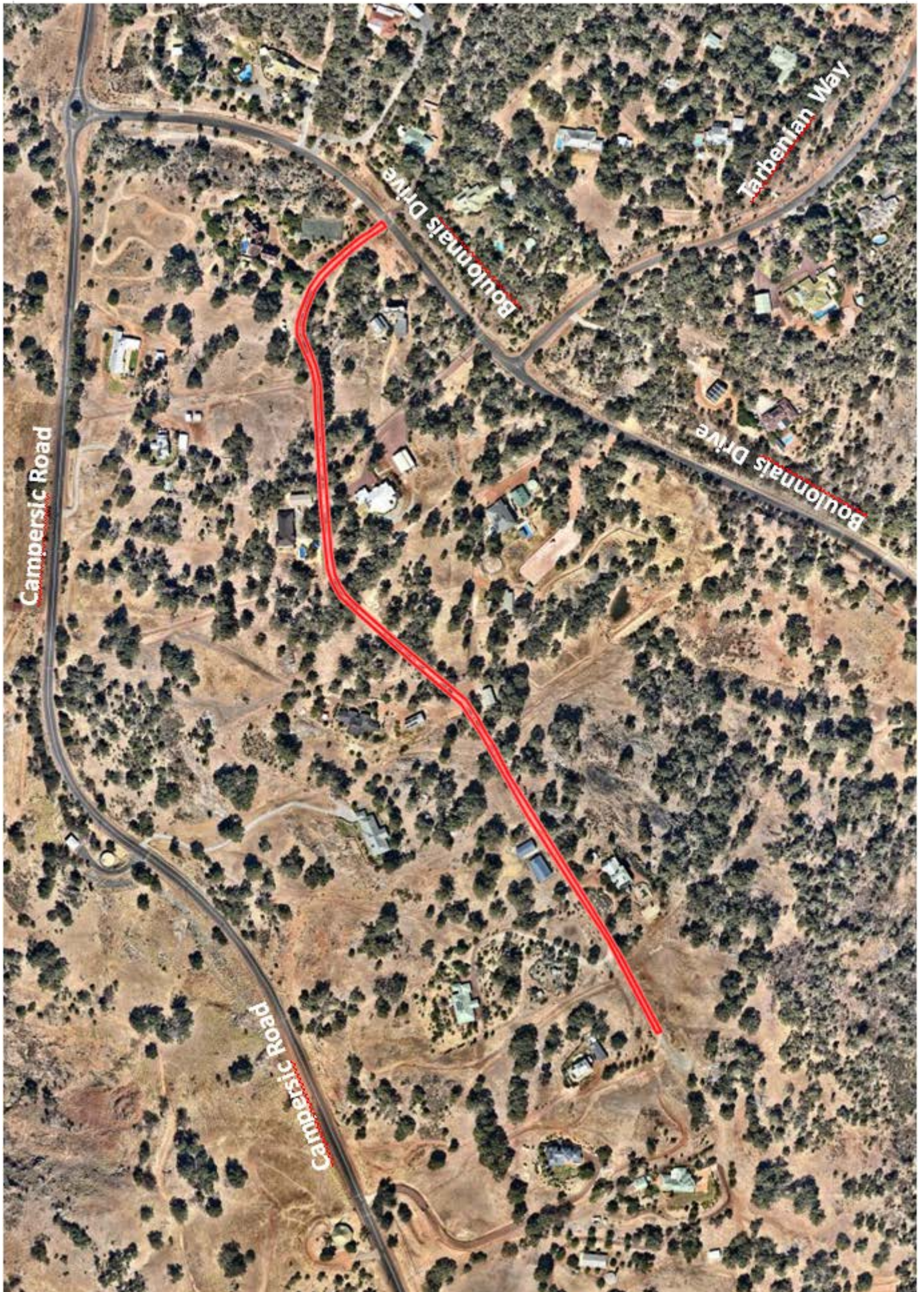
Including the costs of construction of the road.

The mover and seconder of the substantive motion agreed to the amendment.

THE AMENDMENT BECAME PART OF THE SUBSTANTIVE MOTION

RESOLVED UNANIMOUSLY TO:

- 1) Undertake urgent maintenance of the access track on Boulonnais Drive, Brigadoon as soon as possible.
- 2) That City officers investigate the possibility to:
 - a) Write to Landgate, with a copy to the Minister for Lands, seeking a naming of this right-of-way, so it can be added to the register of street names.
 - b) Request that the Minister dedicate this land as a road.
 - c) Including the costs of construction of the road.
- 3) Record the reason for this motion is that this right-of-way has been used by residents for over thirty (30) years and is the only access for Lot 28, Lot 30, Lot 32, Lot 36, Lot 38, Lot 40 and Lot 74, Brigadoon. The Land Act provides that roads can be created after the right-of-way has been used as a road for more than ten (10) years. Creating a road will ensure that the City of Swan will maintain this road, ensure that emergency services are able to identify and have safe access to these residents and properties, as well as providing safe access for residents on a daily basis.



RESOLVED UNANIMOUSLY TO:

- 1) Deal with the remaining two items and conclude the meeting no later than 10.15pm.

(Cr Bowman – Cr Parry)

C1.2 CR HOWLETT - JACOBS TRAFFIC REPORT

Ward: (All Wards) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Howlett submitted the following Notice of Motion:

That the Council resolve to:

- 1) Write to the State Government to request a copy, for distribution to Councillors, of the "Jacobs 2021 Traffic Report" and all other updated reports about traffic and road plans in the Midland area.
- 2) Report back to Council through the public agenda on the outcome.

Reason for Motion (provided by Cr Howlett)

Councillors require up to date and current information to inform their decision making.

MOTION that the Council resolve to:

- 1) Write to the State Government to request a copy, for distribution to Councillors, of the "Jacobs 2021 Traffic Report" and all other updated reports about traffic and road plans in the Midland area.
- 2) Report back to Council through the public agenda on the outcome.

(Cr Howlett – Cr Bowman)

RESOLVED UNANIMOUSLY TO:

- 1) Write to the State Government to request a copy, for distribution to Councillors, of the "Jacobs 2021 Traffic Report" and all other updated reports about traffic and road plans in the Midland area.
- 2) Report back to Council through the public agenda on the outcome.

**C1.3 CR JOHNSON - TEMPORARY UNDERPASS GREAT EASTERN HIGHWAY,
SOUTH GUILDFORD**

Ward: (Midland/Guildford Ward) (Asset Management)

Disclosure of Interest: Nil

Authorised Officer: (Executive Manager Operations)

Cr Johnson submitted the following Notice of Motion:

That the Council resolve to:

- 1) Write to the State Government requesting that consideration be given to creating a temporary underpass under the Great Eastern Highway (Johnson Street) on the south bank of the Helena River to allow South Guildford residents to safely cross from the eastern side of the Great Eastern Highway to the western side prior to construction of the replacement Helena River bridge.
- 2) The temporary underpass to remain in use until works begin on the replacement bridge, which according to the City advocacy programme will include a permanent underpass.
- 3) To add the temporary underpass at on the south bank of the Helena River under the Great Eastern Highway to the City advocacy priority programme.
- 4) To copy the letter to Hon Michelle Roberts MLA, Ms Cassie Rowe MLA and Hon Ken Wyatt MP.
- 5) To report any responses in the public Council Agenda.

Reason for Motion (provided by Cr Johnson)

1. Recent maintenance by Main Roads WA through adding more rocks has made the unofficial underpass pathway unusable.
2. South Guildford residents wish to safely walk and cycle to Guildford.
3. Road safety for pedestrians is a priority.

MOTION that the Council resolve to:

- 1) Write to the State Government requesting that consideration be given to creating a temporary underpass under the Great Eastern Highway (Johnson Street) on the south bank of the Helena River to allow South Guildford residents to safely cross from the eastern side of the Great Eastern Highway to the western side prior to construction of the replacement Helena River bridge.
- 2) The temporary underpass to remain in use until works begin on the replacement bridge, which according to the City advocacy programme will include a permanent underpass.
- 3) To add the temporary underpass at on the south bank of the Helena River under the Great Eastern Highway to the City advocacy priority programme.
- 4) To copy the letter to Hon Michelle Roberts MLA, Ms Cassie Rowe MLA and Hon Ken Wyatt MP.
- 5) To report any responses in the public Council Agenda.

(Cr Johnson – Cr Knight)

RESOLVED (10/1) TO:

- 1) Write to the State Government requesting that consideration be given to creating a temporary underpass under the Great Eastern Highway (Johnson Street) on the south bank of the Helena River to allow South Guildford residents to safely cross from the eastern side of the Great Eastern Highway to the western side prior to construction of the replacement Helena River bridge.
- 2) The temporary underpass to remain in use until works begin on the replacement bridge, which according to the City advocacy programme will include a permanent underpass.
- 3) To add the temporary underpass at on the south bank of the Helena River under the Great Eastern Highway to the City advocacy priority programme.
- 4) To copy the letter to Hon Michelle Roberts MLA, Ms Cassie Rowe MLA and Hon Ken Wyatt MP.
- 5) To report any responses in the public Council Agenda.

For: Crs Bowman, Catalano, Howlett, Johnson, Knight, Lucas, McCullough, Parry, Predovnik and Zannino

Against: Crs Henderson

2. NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING IF GIVEN DURING THE MEETING

C2.1 CR ZANNINO – REALIGNMENT OF THE NATIONAL RAIL FREIGHT ROUTE

C2.2 CR ZANNINO - REVIEW OF THE MANAGEMENT OF THE WOOROLOO FIRE RECOMMENDATION - MULTI-AGENCY INCIDENT CONTROL CENTRE

4. CLOSURE

There being no further business, the Presiding Member, Cr Lucas, thanked those present for their attendance and declared the meeting closed at 10.08pm.